

Review of the Diagnostic & Regulatory Action Report

The following recommendations were submitted by the Consultant in the Diagnostic & Regulatory Action Report. Listed below are the actions taken on each recommendation.

1. Procedural Subdivision Process

- a. Meetings with Applicants
 - i. Recommendation: Continue having Pre-Submittal Meetings as is the current practice. Clarify in the Subdivision ordinance that any assertion of vested rights based on a Pre-Submittal Meeting is limited to a two-year period.
 - ii. Action: Staff implemented a Pre-Submittal Meeting process in the fall of 2008. Pre-Submittal Meetings and vested rights are addressed in Section 3.01.
- b. Submittal of Applications & Related Approvals
 - i. Recommendation: Provide two options for process and recordation of a Final Plat. One will allow the submission of financial guarantee and the recordation of the Final Plat prior to the construction of improvements, and the other will require the completion of construction prior to approval of the Final Plat.
 - ii. Action: These two processes are provided in Section 4.03.
- c. Determination of Complete Application
 - i. Recommendation: Outline a universal procedure that will be followed for all applications and describe the City's responsibilities for notifications to an applicant related to the completeness of an application based on the Texas Local Government Code.
 - ii. Action: This has been addressed in Section 3.
- d. Applications with no Action
 - i. Recommendation: The City shall close cases where there is no action taken within 90 days by placing them on the Planning & Zoning Commission agenda.
 - ii. Action: This has been addressed in Section 3.03(f).
- e. Staff Contact Person
 - i. Recommendation: Assign staff contact persons to a project from submission to completion to provide more efficient customer service.
 - ii. Action: Rather than specifying this in the Subdivision Ordinance, it has been handled internally.
- f. Variances & Waivers – Approval & Appeal Processes
 - i. Recommendation: Clarify variances and waivers and who has the authority to make a decision, and clarify the appeal process.
 - ii. Action: The Subdivision Ordinance addresses minor and major waivers, appeals and who is the decision maker for each. Tables have been added in the Appendix for easy reference.

2. Subdivision Plats

- a. Conveyance Plats
 - i. Recommendation: Simplify the process for approval of Conveyance Plats on large parcels by evaluating the requirement for a Preliminary Site Plan when reviewing the Zoning Ordinance.
 - ii. Action: This item will be addressed in the Zoning Ordinance separately from the update to the Subdivision Ordinance.
- b. Minor Plats
 - i. Recommendation: Provide for a Minor Plat process with administrative approval.
 - ii. Action: This has been addressed in Section 4.05.
- c. Listing of Plat Requirements
 - i. Recommendation: In place of the current listing of requirements, provide a reference to a City checklist.
 - ii. Action: The lists have been removed from the Subdivision Ordinance. Staff is updating the Development Application Handbook to accurately reflect the process and items required in the new Subdivision Ordinance. This will be completed and in place when the ordinance becomes effective.
- d. Validity/Expiration of plats
 - i. Recommendation: Allow a Preliminary Plat to be valid for the period of time in which the construction plans are valid, as long as construction is underway; however, this time frame does not extend to phases not under construction.
 - ii. Action: This has been addressed in Section 4.02(i).

3. Construction-Related Issues

- a. Validity of Construction Plans
 - i. Recommendation: Construction plans should be valid for one year with the provision of a one year extension process.
 - ii. Action: This has been addressed in Section 5.01.
- b. Financial Guarantee for Required Improvements
 - i. Recommendation: Require a financial guarantee if construction does not occur before Final plat approval.
 - ii. Action: This item has been addressed in Section 5.04.
- c. Timing for Required Studies
 - i. Recommendation: List studies commonly required as part of construction plans. Clearly indicate when these plans shall be submitted.
 - ii. Action: The types of studies required and when are outlined in the new Subdivision Ordinance.

- d. Correlation between Construction Standards & Subdivision Ordinance
 - i. Recommendation: Remove specific construction standards from the Subdivision Ordinance and insert them into applicable Engineering documents.
 - ii. Action: Engineering standards and regulations have been removed where appropriate.

4. Proportionality of Required Improvements

- a. Adequate Public Facilities
 - i. Recommendation: Add a section in the Subdivision Ordinance that outlines the need for adequate public facilities and the need for developer and/or City contributions to the facilities in compliance with State law.
 - ii. Action: This item has been addressed throughout the new Subdivision Ordinance.
- b. Extension of Facilities into the Extra-Territorial Jurisdiction (ETJ)
 - i. Recommendation: Incorporate standards for City participation for development within the ETJ as listed in the 2006 Comprehensive Plan and reference inter-local agreements.
 - ii. Action: This is referenced in Section 7.01.
- c. Procedure for Proportionality Appeal
 - i. Recommendation: Outline a Proportionality Appeal in the Subdivision Ordinance.
 - ii. Action: This has been addressed in Section 9.02.

5. New Regulations to Implement Adopted City Policy

- a. General Comprehensive Plan Recommendations
 - i. Recommendation: Implement increased street connectivity policies by requiring connection of streets within developments and stating that cul-de-sac streets should be limited to the furthest extent possible. Add street cross sections for mixed use areas and Transit-Oriented Development. Integrate increased pedestrian design policies.
 - ii. Action: Part of this is addressed in the Major Creeks by reducing the number of cul-de-sacs in a row from two to one. Other references to this recommendation will be incorporated in the *Thoroughfare & Circulation Design Requirements*.
- b. Comprehensive Plan – Environmental Recommendations
 - i. Recommendation: Address the protection of tributaries and buffer areas. Floodplain should be established as a key component of protection of open space. Standards should be applied based on soil types.

- ii. Action: These will be further addressed in the *Engineering Design Standards and Construction Details*.
- c. Comprehensive Plan – Pedestrian Connectivity Recommendations
 - i. Recommendation: Implement pedestrian connectivity policies.
 - ii. Action: This is referenced in several sections of the ordinance. Some the recommendations will be considered for inclusion in the *Thoroughfare & Circulation Design Requirements*.
- d. Comprehensive Plan – Residential Subdivision Layout Regulations
 - i. Recommendation: Require lots to face open spaces/parks. Change block lengths to 500-600 feet. Provide for pedestrian crossings within a block.
 - ii. Action: Block lengths will be addressed in the *Thoroughfare & Circulation Design Requirements*.
- e. Homeowners' Association
 - i. Recommendation: Base association dues on a cost projections for the maintenance of amenities, etc. Require dues to be disclosed to all homeowners within the Declarations for the Association.
 - ii. Action: City involvement in reserve funds and establishing fees for the homeowners was removed from the Ordinance because of the difficulty in determining the appropriate funds.

6. User-Friendliness of the Subdivision Ordinance & Related Process

- a. Flowcharts
 - i. Recommendation: Add flowcharts and more cross references.
 - ii. Action: Flowcharts will be included within the Development Application Handbook which will also allow staff to update quickly when necessary.
- b. Diagrams & Illustrations
 - i. Recommendation: Diagrams and illustrations should be an integral part of the Subdivision Ordinance for clarity of requirements.
 - ii. Action: Diagrams and tables have been updated and added to the Ordinance for clarity and easy reference. They are contained within an Appendix.
- c. Miscellaneous Items
 - i. Recommendation: Address reformatting, definitions, and the integration of diagrams and illustrations.
 - ii. Action: This item has been addressed throughout the text, in Section 10, and the Appendix.